

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In Re:)	
)	
Dennis E. Hecker,)	Bankruptcy Case No. 09-50779
)	Chapter 7
Debtor.)	The Honorable Robert J. Kressel
)	
<hr/> Randall L. Seaver, Trustee,)	
)	Adversary No. 09-5042
Plaintiff,)	
)	
vs.)	
)	
Jacob Holdings, of Ventanas, LLC,)	
Jacob Properties of Minnesota, LLC,)	
Wells Fargo Bank, Cornerstone Bank,)	
And Chrysler Financial Services)	
Americas, LLC,)	
)	
Defendants.)	
)	

**CORNERSTONE BANK'S ANSWER TO TRUSTEE'S AMENDED ADVERSARY
COMPLAINT**

Cornerstone Bank, for its Answer to Randall L. Seaver, hereinafter referred to as the "Trustee", respectfully states and alleges to the Court as follows:

1. Unless otherwise admitted, qualified or explained, Cornerstone denies each and every allegation of the Trustee's Complaint and holds the Trustee to the strictest proof thereof.

2. Cornerstone admits the allegations as contained in paragraphs 1, 2, 3, 4 and 23 of the Trustee's Complaint.

3. Cornerstone lacks sufficient information to admit or deny the allegations as contained in the Trustee's Complaint, paragraphs 5 – 22, 24 – 25 (a)-(c), 26, 28, 30, 31, 34-36, 38-39, 41, 43, 46-48 and holds the Trustee to the strictest proof thereof.

4. Cornerstone cannot admit or deny the allegations as contained in the Trustee's Complaint, paragraphs 27, 29, 30, 31, 32, 33, 37, 40, 42, 44-45 since such requires a legal opinion.

4. Cornerstone admits that it claims an interest in general intangibles owned by the Debtor which extends to any and all proceeds received from the Debtor's sale of real estate described in the Complaint.

5. Cornerstone specifically denies the allegations as contained in paragraphs 25(d) and 30 of the Trustee's Complaint and holds the Trustee to the strictest proof thereof.

AFFIRMATIVE DEFENSES

6. Cornerstone asserts the affirmative defense that the Trustee has failed to state a cause of action against Cornerstone in the Trustee's Complaint as to Cornerstone should be dismissed.

ADDITIONAL AFFIRMATIVE DEFENSES

7. As an additional affirmative defenses, Cornerstone alleges the affirmative defenses of accord and satisfaction, estoppel, waiver, and statute of frauds.

REQUEST FOR RELIEF

Cornerstone Bank respectfully requests that Court enter judgment in favor of Cornerstone and against the Trustee, Randall L. Seaver:

1. Decreeing that Cornerstone's interest in Dennis Hecker's general intangibles extends to any sale proceeds the Trustee may receive from the sale of the real estate;

2. Court awarding Cornerstone its costs and disbursements;

3. Authorizing Cornerstone, upon completion of discovery to assert additional affirmative defenses and/or if necessary, counterclaim;

4. The Court granting Cornerstone such other and further relief as this Court deems just and equitable.

Dated this 12th day of October, 2009.

/s/ Brad A. Sinclair

Brad A. Sinclair (#0161652), of
SERKLAND LAW FIRM
10 Roberts Street
PO Box 6017
Fargo, ND 58108-6017
(701) 232-8957

**ATTORNEYS FOR
CORNERSTONE BANK**

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Defendants.)	
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AFFIDAVIT OF SERVICE BY MAIL

Carmen D. Rohr, being duly sworn, deposes and says that she is a resident of the City of West Fargo, State of North Dakota, is of legal age; and that she served the within

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On October 12, 2009, by placing a true and correct copy thereof in an envelope addressed as follows, to-wit:

Jacob Holdings of Ventanas LLC
Attn: Officer or Managing Agent
500 Ford Road
Minneapolis, MN 55426

William R. Skolnick
Skolnick & Shiff
2100 Rand Tower
527 Marquette Ave S
Minneapolis, MN 55402

Jacob Properties of Minnesota
Attn: Officer or Managing Agent
500 Ford Road
Minneapolis, MN 55426

Wells Fargo Bank
Attn: Officer or Managing Agent
90 South Seventh Street
Minneapolis, MN 55402

Chrysler Financial Services Americas, LLC
Attn: Officer or Managing Agent
27777 Inkster Road
Farmington, MI 48334

Randall L. Seaver
12400 Portland Avenue South
Burnsville, MN 55337

U.S. Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

and depositing the same with postage prepaid in the United States mail at Fargo, North Dakota.

To the best of affiant's knowledge, the address above given is the actual post office address of the party intended to be so served. The above document was mailed in accordance with the provisions of the Minnesota Rules of Civil Procedure.

/s/ Carmen D. Rohr
Carmen D. Rohr

Subscribed and sworn to before me this 12th day of October, 2009.

/s/ Brad A. Sinclair
Notary Public